

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GARATH J. MILLS,

Plaintiff,

vs.

COMMISSIONER of SOCIAL SECURITY,

Defendant.

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Case No. 23-cv-3017-RJD¹

MEMORANDUM AND ORDER

DALY, Magistrate Judge:

This matter comes before the Court on the parties' Agreed Motion to Remand to the Commissioner. (Doc. 17).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of the claimant. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

For good cause shown, the parties' Joint Motion to Remand (Doc. 17) is **GRANTED**. The parties agree that, on remand, the Appeals Council will remand this matter to an administrative law judge for further proceedings to evaluate the evidence, assess Plaintiff's residual functional capacity, and assess whether Plaintiff could perform his past relevant work or work that existed in the national economy, and issue a new decision.

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). Doc. 8.

The final decision of the Commissioner of Social Security denying Plaintiff's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff. All pending motions and deadlines are moot.

IT IS SO ORDERED.

DATED: February 6, 2024

s/Reona J. Daly

REONA J. DALY

UNITED STATES MAGISTRATE JUDGE